

ORDINANCE NUMBER 2796

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW ON-SITE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT TO BE LOCATED AT 12700 STEMMONS FREEWAY (IH-35E), GENERALLY AT THE SOUTHEAST CORNER OF CARRICK STREET AND STEMMONS FREEWAY (IH-35E) FRONTAGE ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH FREEWAY SUBDISTRICT (PD-70, OFB-FW) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow on-site sales and consumption of alcoholic beverages within a qualifying restaurant to be located at 12700 Stemmons Freeway (IH-35E), generally at the southeast corner of Carrick Street and Stemmons Freeway (IH-35E) frontage road and within Planned Development Number 70 Old Farmers Branch Freeway Subdistrict (PD-70, OFB-FW) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B", subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 70 Old Farmers Branch Freeway Subdistrict (PD-70, OFB-FW) zoning district and in accordance with the approved site plan attached as Exhibit "C," the alcohol awareness program attached as Exhibit "D" and the plan of operation attached as Exhibit "E."

SECTION 4. That the alcohol sales shall, at all times, maintain full compliance with all requirements of Texas State Law and the City of Farmers Branch Comprehensive Zoning Ordinance relative to such use.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sun of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 18th day of October, 2004.

Moyor

APPROVED AS TO FORM:

150

City Attorney

City Secretary

Property Description - 12.150 Acres

Being a 12.150-acre tract of land in the Thomas Keenan Survey, Abstract No. 733, City of Farmers Branch, Dallas County, Texas. Said 12.150 acre tract consists of all or portions of the following tracts of land owned by the City of Farmers Branch:

- (1) All of a 6.257 acre tract being all of Lot 1, Block 1, Word of Faith World Outreach Center Addition, an addition to the City of Farmers Branch as shown on the plat recorded in Volume 83195, Page 4452, Plat Records, Dallas County, Texas and also described in a deed to the City of Farmers Branch and recorded in Volume 99088, Page 4559, Deed Records, Dallas County, Texas.
- (2) Portion of the right of way dedication shown on the plat of Word of Faith Outreach Center Addition and recorded in Volume 78175, Page 825, said plat records.
- (3) All of the 0.043 of an acre tract described in a deed to the City of Farmers Branch and recorded in Volume 76076, Page 2436, said deed records.
- (4) All of the 4.963 acre tract described in a deed to the City of Farmers Branch and recorded in Volume 99088, Page 4567, said deed records.
- (5) A portion of the 0.434 of an acre tract described in a deed to the City of Farmers Branch and recorded in Volume 72234, Page 1705, said deed records.

Said 12.150 acre tract is more particularly described as follows:

Beginning at a 5/8" iron with cap set at the northwest corner of said Lot 1 and being at the intersection of the southerly line of Carrick Street and the easterly line of Interstate Highway I-35E (Stemmons Freeway);

Thence N 89 degrees 46 minutes 05 seconds E with the northerly line of said Lot 1 and the southerly line of Carrick Street, 284.39 feet to a 5/8" iron with cap set at the beginning of a curve to the left;

Thence 46.52 feet with the arc of said curve to the left, the northerly line of said Lot 1 and the southerly line of Carrick Street to a 5/8" iron with cap set. Said curve to the left has a radius of 179.35 feet, a central angle of 14 degrees 51 minutes 41 seconds, and a long chord which bears N 82 degrees 20 minutes 12 seconds E, 46.39 feet;

Thence N 74 degrees 54 minutes 20 seconds E with the northerly line of said Lot 1 and the southerly line of Carrick Street, 230.00 feet to a 5/8" iron with cap set at the northeast corner of said Lot 1 and in the westerly line of Rossford Street/Old Denton Road;

Thence with the westerly line of Rossford Street/Old Denton Road the following calls:

S 15 degrees 05 minutes 40 seconds E, 355.90 feet to a 5/8" iron with cap set at the beginning of a curve to the left;

386.74 feet with the arc of said curve to the left to a 5/8" iron with cap set. Said curve to the left has a radius of 602.96 feet, a central angle of 36 degrees 44 minutes 57 seconds and a long chord which bears S 33 degrees 28 minutes 08 seconds E, 380.14 feet;

S 41 degrees 41 minutes 21 seconds E, 54.56 feet to a $\frac{1}{2}$ " iron found at the beginning of a curve to the right;

116.80 feet with the arc of said curve to the right to a ½" iron found. Said curve to the right has a radius of 542.96 feet, a central angle of 12 degrees 19 minutes 31 seconds and a long chord which bears S 32 degrees 38 minutes 26 seconds E, 116.57 feet:

S 14 degrees 10 minutes 52 seconds E, 369.48 feet to a ½" iron found at the beginning of a curve to the right at the southeast corner of said 4.963 acre tract and in the northerly line of Farmers Branch Lane;

Exhibit "A" (continued)

Thence 102.11 feet with the arc of said curve to the right and the northerly line of Farmers Branch Lane to a ½" iron found. Said curve to the right has a radius of 410.74 feet, a central angle of 14 degrees 14 minutes 37 seconds and a long chord which bears S 84 degrees 11 minutes 24 seconds W, 101.85 feet;

Thence N 88 degrees 41 minutes 18 seconds W with the northerly line of Farmers Branch Lane, 338.37 feet to a ½" iron found at the southwest corner of said 4.963 acre tract and being in the easterly line of Interstate Highway I-35E;

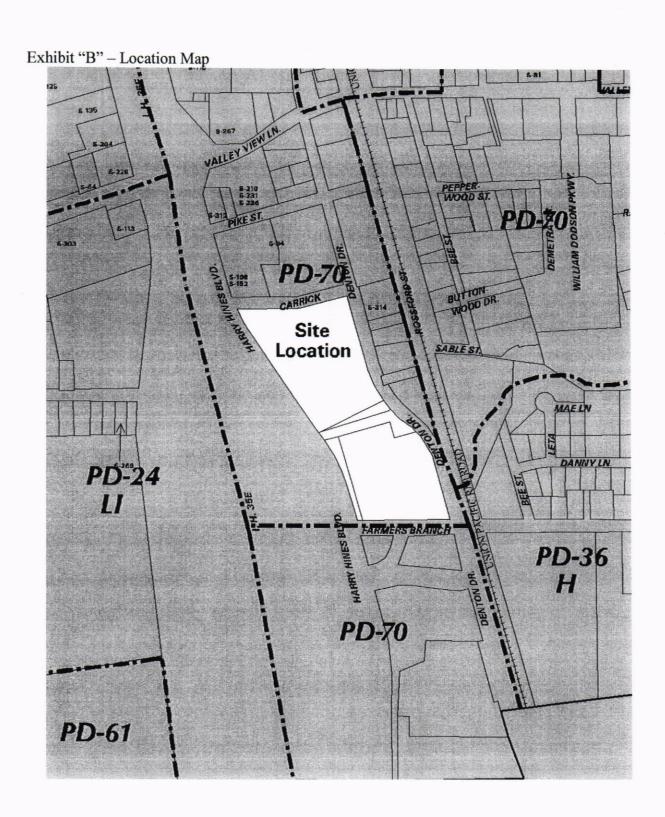
Thence with the easterly line of Interstate Highway I-35E the following calls:

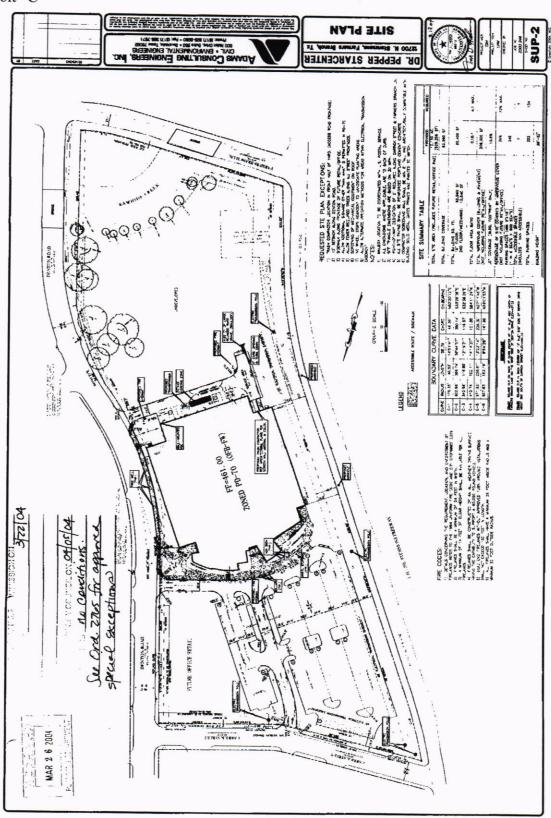
N 16 degrees 36 minutes 02 seconds W, 230.32 feet to a 1/2" iron found at the beginning of a curve to the left;

226.81 feet with the arc of said curve to the left to a ½" iron found. Said curve has a radius of 971.93 feet, a central angle of 13 degrees 22 minutes 14 seconds and a long chord which bears N 27 degrees 11 minutes 46 seconds W, 226.30 feet:

N 33 degrees 59 minutes 07 seconds W, 638.65 feet to a concrete monument found at the beginning of a curve to the right;

162.19 feet with the arc of said curve to the right to the point of beginning and containing 12.150 acres. Said curve to the right has a radius of 937.93 feet, a central angle of 9 degrees 54 minutes 28 seconds and a long chord which bears N 29 degrees 01 minutes 53 seconds W, 161.99 feet.

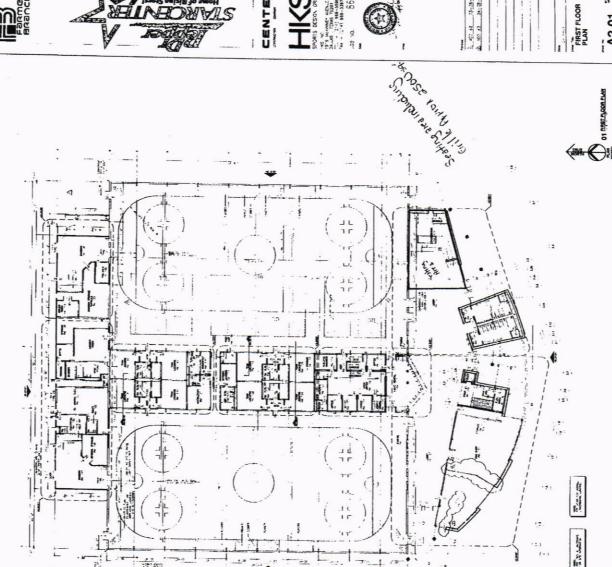


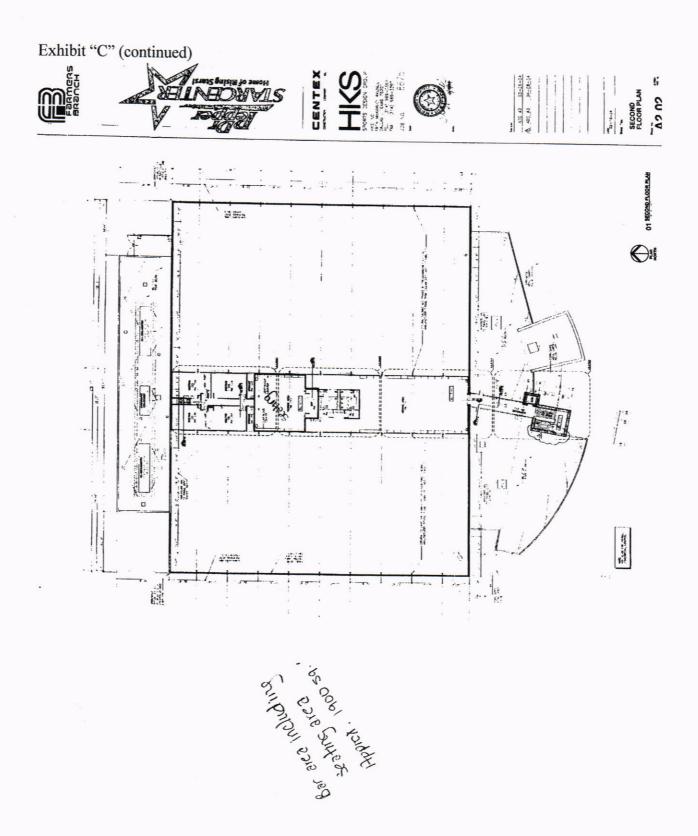


City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131 Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.

Internet URL...http://www.ci.farmers-branch.tx.us

Exhibit "C" (continued)





ALCOHOL AWARENESS PROGRAM FOR STARS CLUB, INC. FARMERS BRANCH, TEXAS

August 31, 2004

Stars Club Inc. requirements for alcohol service are as follows:

- Stars Club requires that all wait staff and managers attend a state-approved alcohol-serving program. The program is approved by the Texas Alcoholic Beverage Code.
- 2. A written exam will be given at the completion of the program.
- Customers will provide a legal picture ID that will consist of one of the following: Drivers License, Military ID, State ID or Passport.
- A restaurant manager will be on duty to make the decision on whether to serve alcohol at the time the ID is checked.
- 5. Will abide by the Texas Penal Code.
- 6. Will abide by the Texas Alcoholic Beverage Code.
- 7. All employees who directly or indirectly handle beverages must be at least 18 years old.
- Any customer who purchases an alcoholic beverage in the restaurant must be 21 years of age or older.
- 9. No alcoholic beverages are to be brought into the restaurant by guests or employees at any time.
- 10. Alcoholic beverages may not be sold, served or delivered to any person who is intoxicated.
- 11. A person that is intoxicated will not be permitted to remain on the premises
- 12. Will furnish transportation for intoxicated customers.
- 13. Unlawful acts will be reported to the local authorities
- 14. No alcoholic beverages will be sold before opening
- 15. No alcoholic beverages will be sold after closing.
- 16. We will have no exterior signage advertising the sale of alcohol.

2601 Avenue of the Stars · Frisco, TX 75234 · Tel (214)387-5600 · Fax (214)387-5503



Planning & Zoning Commission of the City of Farmers Branch Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:
Describe proposed use Operation of sports bar and grille
Indicate hours of operation of the proposed use Grille will operate week days 11a.m - 9p.m. Sat Sun 8a.m 9p.m. Sports Bar daily 4p.m 2a.m.
Total number of employees Approximately 12 Aul part time.
Indicate if any storage is proposed outside the building NCNC
Indicate if any activity is proposed outside the building NONE
Any other relevant unique information on the business or site Special events will occur at various times in the facility where we will be serving beer / alcohol.

G:\Planning and Zoning\Application Forms\Specific Use Permit\Plan of Operation, 10/23/03